

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In re Patent Application of
MARK JAMES BECKMAN

Serial No.: 10/728,447

Filed 12/04/2003

For: PROCESS FOR ASSEMBLY
AND INSTALLATION OF A SNACK
PACKAGE ADAPTED FOR ATTACHMENT
TO A BEVERAGE CONTAINER
THEREBY ALLOWING THE
COMBINATION TO TAKE UP THE
SAME SHELF SPACE AS THE
CONTAINER ALONE FOR VENDING
AND OFF-THE SHELF
SALES WITH AUGMENTED
MARKETING ADAPTATION

ART UNIT 3654
Docket PA1.677
I hereby certify that this
correspondence is being
FILED with the United
States PATENT AND
TRADEMARK OFFICE
BY ELECTRONIC MEANS

/John E. Halamka/
John E. Halamka
Dated: 5 MARCH 2007
RESUBMITTED 3/22/07
Palos Verdes Estates, CA

Examiner: Rakesh Kumar

RESUBMITTED IN RESPONSE TO NOTICE OF NON-COMPLIANT
AMENDMENT dated 03/16/07 from Legal Instruments Examiner (LIE)
Linda W. Badie. The notice was issued because the Electronic Signature
is Incorrect in the 8 March 2007 submission. The signature merely use
/s/. The signature has been corrected to use the form /John E.
Halamka/, Patent Attorney and attorney of record, 310-541-8290 and is
resubmitted herewith.

RESPONSE TO OFFICE COMMUNICATION concerning this
application mailed 01/08/2007

Honorable Commissioner of Patents and Trademarks
Washington, D. C. 20231

Responsive to the communication having a mailing date of 01/08/2007 regarding the filing of this application on 04 December 2007:

Examiner Kumar has made a determination that the patent application contains claims directed to two distinct species

Species I – Figure 1-3 and 8-10

Species II -- Figure 4-7.

The application contains claims 1-32 that are pending as of the election of species requirement.

Species I discloses a beverage and snack container wherein the snack content is held in place by a retaining cap around a bottleneck.

Species II discloses a beverage and snack container wherein the snack is held in place by a container cage engulfing the snack content around the bottleneck.

The examiner has required an election of Species and allocation of the pending 32 claims.

Applicant hereby elects Species I as defined by claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 21, 22, 23, 24, 25, 26, 27, 28, and 32.

The claims that pertain to the non-elected species, containment cage, are 13, 14, 15, 16, 17, 18, 19, 20, 29, 30, and 31 which are not abandoned herein but expressly reserved to be filed as a divisional application.

The time for response to this office action was shortened to 31 days by the examiner. The office action was mailed 01/08/07. The original time to respond expired 02/08/07. This response is filed 03/08/07 therefore one month extension is requested for the filing of this response and the fee is hereby authorized to be paid from applicant's attorneys deposit account 080207. Said fee is believed to be in the sum of \$60.00 for a small entity. Should more fees be required, applicant's attorney authorizes the payment and prompt notification of the fee and the reason for the fees.

Applicant's attorney anticipates that all of the issues are resolved as to species election but if something needs clarification, he holds himself ready to timely respond to a phone call or other communication.

Upon consideration of the above remarks, the applicant respectfully believes that the application will be found in condition for review and such review for allowance is respectfully solicited.

Respectfully submitted,
/John E. Halamka/

John E. Halamka
Patent Attorney, attorney of record
310-541-8290